

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12-cv-00335-RJC**

ZONDA C. WROTEN,

Plaintiff,

v.

**CAROLYN W. COLVIN,¹
Acting Commissioner of
Social Security Administration,**

Defendant.

ORDER

THIS MATTER comes before the Court on Defendant's Consent Motion for Entry of Judgment. (Doc. No. 18). On August 20, 2013, this matter was remanded to the Commissioner under sentence six of 42 U.S.C. § 405(g). (Doc. No. 14). Sentence six of § 405(g) permits the Court to remand a final determination by the Commissioner if new and material evidence is subsequently introduced into the record, and there is good cause for the failure to enter the evidence during the prior proceeding. The sixth sentence does not allow the Court to affirm, modify, or reverse the Commissioner's decision, nor does it permit the Court to make a ruling with respect to the correctness of a decision. Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991). Pursuant to the statute, the Court retains jurisdiction to review the Commissioner's decision on remand. Id. Following a rehearing, the Commissioner must modify or affirm the findings of fact or the decision, or both, and file the findings of fact or decision with the Court. 42 U.S.C. §

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Michael J. Astrue as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act. 42 U.S.C. § 405(g) (2012).

405(g).

Upon remand in this case, the Commissioner rendered a fully favorable decision for Plaintiff on March 18, 2016. (Doc. No. 18-1). In light of the decision in Plaintiff's favor and in accordance with § 405(g), the Commissioner filed its Consent Motion for Entry of Judgment along with the Commissioner's new decision on August 17, 2016. (Doc. Nos. 18, 18-1). Having reviewed the record, Defendant's Motion, and the Commissioner's favorable decision, the Court finds that Defendant's Motion should be **granted**.

IT IS, THEREFORE, ORDERED that Defendant's Consent Motion for Entry of Judgment, (Doc. No. 18), is **GRANTED**, and the final judgment in this case shall be entered in accordance with the Commissioner's decision, (Doc. No. 18-1). The Clerk of Court is respectfully directed to enter the judgment accordingly.

Signed: August 31, 2016

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

